

**DISPOSITION:** October 30, 1953. The defendant having entered a plea of guilty, the court fined him \$1,000 and sentenced him to serve 6 months in jail. On November 19, 1953, the court reduced the fine to \$500 and substituted a 5-year period of probation for the jail sentence.

**4206. Misbranding of dextro-amphetamine sulfate tablets. U. S. v. Mettery Sherry, Sr. (Sherry's Pharmacy). Plea of nolo contendere. Fine, \$500. (F. D. C. No. 35099. Sample Nos. 46718-L, 46719-L.)**

**INFORMATION FILED:** June 2, 1953, Eastern District of Louisiana, against Mettery Sherry, Sr., trading as Sherry's Pharmacy, New Orleans, La.

**NATURE OF CHARGE:** On or about January 21 and February 5, 1953, while a number of *dextro-amphetamine sulfate tablets* were being held for sale at Sherry's Pharmacy, after shipment in interstate commerce, the defendant caused a number of the tablets to be dispensed without a prescription from a practitioner licensed by law to administer such drug. Such act of dispensing was contrary to the provisions of Section 503 (b) (1), and resulted in the dispensed drug being misbranded while held for sale.

**DISPOSITION:** August 26, 1953. The defendant having entered a plea of nolo contendere, the court fined him \$500.

**4207. Misbranding of dextro-amphetamine sulfate tablets and phenobarbital tablets. U. S. v. William E. McIntosh (W. E. McIntosh). Plea of guilty. Fine, \$100. (F. D. C. No. 34837. Sample Nos. 61125-L to 61127-L, incl., 61129-L.)**

**INFORMATION FILED:** May 14, 1953, Eastern District of Oklahoma, against William E. McIntosh, trading as W. E. McIntosh, Caddo, Okla.

**NATURE OF CHARGE:** On or about October 2, 4, and 6, 1952, while a number of *dextro-amphetamine sulfate tablets* and *phenobarbital tablets* were being held for sale at the W. E. McIntosh Drug Store, Caddo, Okla., the defendant caused various quantities of the drugs to be dispensed without a prescription from a practitioner licensed by law to administer such drugs. Such acts of dispensing were contrary to the provisions of Section 503 (b) (1), and resulted in the dispensed drugs being misbranded while held for sale.

**DISPOSITION:** October 2, 1953. The defendant having entered a plea of guilty, the court fined him \$100.

**4208. Misbranding of methamphetamine hydrochloride tablets, dextro-amphetamine sulfate tablets, and secobarbital sodium capsules. U. S. v. Snyder-Jones Pharmacy, Inc., Paul Jones, Sr., and Paul Jones, Jr. Pleas of guilty. Fine of \$1,500 against defendants jointly. Paul Jones, Sr., placed on probation for 18 months. (F. D. C. No. 34333. Sample Nos. 35696-L, 35697-L, 35699-L, 35700-L.)**

**INFORMATION FILED:** On or about April 13, 1953, Eastern District of Tennessee, against Snyder-Jones Pharmacy, Inc., Johnson City, Tenn., and Paul Jones, Sr., president of the corporation, and Paul Jones, Jr., an employee.

**NATURE OF CHARGE:** On or about July 14 and 15, 1952, while a number of *methamphetamine hydrochloride tablets*, *dextro-amphetamine sulfate tablets*, and *secobarbital sodium capsules* were being held for sale at the Snyder-Jones Pharmacy, Inc., after shipment in interstate commerce, various quantities of the *methamphetamine hydrochloride tablets* were dispensed without a prescription from a practitioner licensed by law to administer such drug, and various quantities of *dextro-amphetamine sulfate tablets* and *secobarbital*

*sodium capsules* were dispensed upon request for refills of written prescriptions for such drugs without obtaining authorization from the prescriber. The corporation and Paul Jones, Sr., were charged with causing the acts of dispensing in each of the four counts of the information, and Paul Jones, Jr., was joined as a defendant in three of the counts. Such acts of dispensing were contrary to the provisions of Section 503 (b) 1), and resulted in the dispensed drugs being misbranded while held for sale.

DISPOSITION: October 1, 1953. Pleas of guilty having been entered, the court imposed a fine of \$1,500 against the defendants jointly and placed Paul Jones, Sr., on probation for 18 months.

## DRUGS IN VIOLATION OF PRESCRIPTION LABELING REQUIREMENTS

4209. Adulteration and misbranding of various drugs. U. S. v. 71 Bottles, etc. (F. D. C. No. 34477. Sample Nos. 41211-L to 41219-L, incl.)

LABEL FILED: January 16, 1953, Western District of Washington.

ALLEGED SHIPMENT: On various dates after August 4, 1951, from points outside of the State of Washington.

PRODUCT: 71 bottles, each containing 1,000 tablets, of *Dex-Amo tablets*; 2 bottles, each containing 500 tablets, and 13 bottles, each containing 1,000 tablets, of *Paba-Sal tablets*; 13 bottles, each containing 1,000 capsules, of *Dasil Evronal capsules*; 4 bottles, each containing 1,000 2½-milligram tablets, and 5 bottles, each containing 1,000 5-milligram tablets, of *Desoxyephedrine hydrochloride tablets*; 29 unlabeled bottles, each containing 1,000 tablets, and 1 unlabeled bottle, containing 2,500 tablets, of a *drug presumed to be dextro-amphetamine sulfate tablets*; 3 bottles, each containing 1,000 tablets, of *amphetamine sulfate tablets*; 2 bottles, each containing 1,000 tablets, of *Dasil veratrum compound tablets*; and 11 bottles, each containing 1,000 tablets, of a *mixture of phenobarbital, aminophylline, and rutin*, at Seattle, Wash.

LABEL, IN PART: "No. 146 Dex-Amo Each tablet contains: Dextro Amphetamine Sulfate U. S. P. 5 mg. Amobarbital NF ½ gr. (32 mg.) Distributed by Palmer & Co. Seattle, Wash."; "Tablets No. 137 Paba-Sal Each tablet contains Para-Aminobenzoic Acid (5 gr.) 0.3 gm. (as the Sodium Salt) Sodium Salicylate (5 gr.) 0.3 gm. Enteric Coated Distributed by Palmer & Co. Seattle, Wash. Average Adult Dose: Two tablets three times daily or as directed by physician"; "Dasil Evronal 1½ gr. Each capsule contains: Sodium Allyl-Isopropyl-Barbiturate . . . 1½ gr. (Sodium Aprobarbital) Palmer & Co. Distributors \* \* \* Caution: To be dispensed only by or on the prescription of a physician"; "No. 125 Each tablet contains: d-Desoxyephedrine Hydrochloride 2.5 mgm. Distributed by Palmer & Co. Seattle, Wash. Caution: To be dispensed only by or on the prescription of a physician"; "No. 150 Each tablet contains: d-Desoxyephedrine Hydrochloride 5 mgm. Distributed by Palmer & Co. Seattle, Wash. Caution: To be dispensed only by or on the prescription of a physician"; "5 Mg. Each Racemic Amphetamine Sulfate \* \* \* Caution: To be dispensed only by or on the prescription of a physician Distributed By Palmer & Co. Seattle, Wash."; "Dasil Veratrum Compound Tablets Each tablet contains: Veratrum Viride ¾ gr. Phenobarbital ¼ gr. Sodium Nitrite 1 gr. Palmer & Co. Distributors"; and "No. 108 Each tablet contains: Phenobarbital . . . 15 mg. Aminophylline . . . 100 mg. Rutin . . . 20 mg. Warning: May be Habit Forming Distributed by Palmer & Co. Seattle, Wash. Caution: To be dispensed only by or on the prescription of a physician."